

ORIGINAL

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APR - 2 1992

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Federal Communications Commission
Office of the Secretary

In re Applications of

DRY PRONG EDUCATIONAL
BROADCASTING FOUNDATION

For Modification of Noncommercial
Station KVDP(FM), Dry Prong,
Louisiana

MISSIONARY ACTION PROJECTS

For Construction Permit for
a New Noncommercial FM Station
on Channel 210 in
Alexandria, Louisiana

MM Docket No. 92-2

File No. BPED-900305MF

File No. BPED-900905MK

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APR - 3 1992

Federal Communications Commission
Office of the Secretary

To: Judge Edward J. Kuhlmann

MOTION TO ENLARGE ISSUES

Pursuant to Section 1.229 of the Commission's Rules,
Missionary Action Projects, by counsel, hereby moves to enlarge
the issues against Dry Prong Educational Broadcasting Foundation
to specify the following:

To determine whether a transfer of control of Station KWDF-
FM has occurred and if so, the effect on the basic
qualifications of Dry Prong Educational Broadcasting
Foundation to be a Commission licensee.

In support of its motion, Missionary Action Projects states:

On February 11, 1992, Missionary Action Projects (referred
to herein as "MAP") submitted a Request for Admission of Facts
and Genuineness of Documents to Dry Prong Educational
Broadcasting Foundation (referred to herein as the "Foundation").

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In the Request for Admissions, MAP posed admissions to the Foundation concerning the ownership of the license of the Foundation's noncommercial FM station KVDP-FM, Dry Prong, Louisiana, which is directly involved in this proceeding. MAP also requested admissions concerning the status of an entity known as Dry Prong Educational Broadcasting Foundation, Inc. (referred to herein as the "Corporation").

The Foundation objected to the entire Request for Admissions in a pleading signed by its communications counsel¹ dated February 26, 1992, stating that the pleading "is a ploy to prejudice the Presiding Judge by insinuating that Dry Prong has violated Commission rules and engaged in other misconduct."² From heretofore undisclosed contemporaneous documents, it is apparent that the Foundation was engaging in remedial action to address the questions posed in the admissions even as it was objecting.

In an Ownership Report dated February 25, 1992, attached hereto as Exhibit A, the Foundation reported Station KVDP-FM had a new owner (none other than the Corporation) pursuant to "Transfer of Control, Assignment of License or Construction Permit."³ The existence of this new Ownership Report was first

¹The record in this proceeding indicates that the firm of Cohen and Berfield entered an appearance on behalf of the Foundation on February 7, 1992; entered a special appearance at the prehearing conference and withdrew from the case on March 25, 1992.

²Opposition at p. 2.

³Question 1 (b) on the FCC Form 323-E, Judicial Notice requested.

revealed in a letter from A. Dale Smith who apparently is the new counsel for the Foundation. His letter is attached hereto as Exhibit B and was received by MAP counsel on April 1, 1992. This Motion has been prepared with all due haste following its receipt and the recovery of the new Ownership Report from the Commission's files.

Mr. Smith indicates that the new Ownership Report for the station, executed while the applicant was represented by Cohen and Berfield, was filed through "oversight" and that the ownership as reported on April 19, 1989 is correct. His letter concedes the existence of the Corporation and states that it "receives donations from listeners." Since the Foundation itself is a noncommercial licensee, presumably the same "donations" are also what it receives from the listeners.

Section 1.229 of the Commission's Rules requires that motions to enlarge issues must contain specific allegations of fact to support the addition of issues. A movant is required to make a prima facie showing to support its allegations.⁴ The February 25, 1992 Ownership Report stating that there has been a transfer of control is just such a showing. The potential of an unauthorized transfer of control of a broadcast station in contravention of Section 310 of the Communications Act is a serious matter of probable decisional significance in this hearing and warrants exploration at hearing.

⁴Scott and Davis Enterprises, Inc., 50 RR2d 1241 (Rev. Bd. 1982).

Since MAP requested specific admissions from the Foundation concerning the status and the control of KVDP-FM in its Request for Admissions, the Foundation's February 25, 1992 Ownership Report cannot realistically be viewed as an unconnected event. Surely the filing of an Ownership Report - requiring the acquisition and completion of an FCC form, signature of a responsible officer/trustee, transmission to Washington and the physical filing with the FCC - is not an "oversight", especially when the last such Ownership Report for KVDP-FM was filed in 1989.

FCC records disclose that the license for KVDP-FM was awarded to the Foundation, an entity with three trustees in 1984.⁵ The Ownership Report dated February 25, 1992 lists ten trustees on the directing board of the Corporation and the 1989 Ownership Report lists four trustees, two of whom are not mentioned in the original application. By admitting in its filing that the Corporation was the owner of the station and then withdrawing that admission, the Foundation has cast doubt on which entity and which individuals control the station. Only by addition of issues can the Commission determine the true ownership and control of KVDP.

The Commission has always considered control of finances to be one of the central issues in determining control of a license.⁶ Here counsel for the Foundation states that the

⁵Exerpts from the original Foundation application are attached as Exhibit C.

⁶News Int'l., PLC, 58 RR2d 945 (1984).

Corporation "shares in the donations" from the operation of the station. Since this is a noncommercial station, "donations" are its lifeblood and sharing those receipts represents a significant aspect of control over the station. In CanXus Broadcasting Corp., 69 RR2d 1553 (MMB 1991) the bureau stated that assumption of a station's finances was a transfer of control. In Benito B. Rish, M.D., 69 RR2d 418 (1991) receipt of compensation from a station's billing was found to be an indicia of transfer of control. Even time brokerage can be a transfer of control.⁷ Here there is sufficient ground for suspicion that a new entity with significantly different control persons is participating in the financial operation of noncommercial station.

WHEREFORE, the foregoing considered, Missionary Action Projects requests this motion BE GRANTED and the issues enlarged against Dry Prong Educational Broadcasting Foundation.

Discovery

If this issue is added against Dry Prong, MAP wishes to depose the following individuals:

Coy Edwards
Leta Edwards
Max Latham
Gary Sapp
Ed Pebbles
Jonathan Forester
Mrs. Bea Farmeal
Dina Rankin
Elaine Ward
Dale Smith
Glynn K. Maxwell
Gayle Tyler

⁷Fresno FM Limited Partnership, 68 RR2d 1645 (Rev. Bd. 1991).

These individuals are named in the February 25, 1992 Ownership Report or in prior applications or Ownership Reports and may have information about the filing of the February 25, 1992 report and/or the transfer of control of the radio station.

If this issue is added against the Foundation, MAP requests the following documents be produced:

1. All organizational documents of Dry Prong Educational Broadcasting Foundation (Foundation) and Dry Prong Educational Broadcasting Foundation, Inc. (Corporation) and any amendments thereto.
2. For both the Foundation and the Corporation, minutes of all shareholders, directors or trustees meetings; copies of all actions of the directors, officers or trustees of the entities, copies of all appointments or resignations of directors or trustees.
2. Tax returns for the Foundation and the Corporation since the grant of the FCC construction permit to KVDP-FM.
3. Financial statements or balance sheets created for the Foundation or the Corporation since the grant of the FCC construction permit to KVDP.
4. Copies of the business records and the financial records of the Foundation, the Corporation and Station KVDP-FM.
5. Copies of the checks and check registers used by the Foundation, the Corporation and KVDP-FM since the grant of the construction permit for KVDP-FM.

Respectfully submitted,

MISSIONARY ACTION PROJECTS

By:


F. Joseph Brinig

Brinig and Bernstein
1818 N Street, NW, Suite 200
Washington, D.C. 20036
(202) 331-7050

April 3, 1992

Approved by OMB
3060-0084
Expires 4/30/90

UNITED STATES OF AMERICA
FEDERAL COMMUNICATIONS COMMISSION

**Ownership Report
For Noncommercial Educational Broadcast
Station**

INSTRUCTIONS

1. This report is to be filed as follows by noncommercial educational TV, FM, or AM broadcast stations (See Section 73.3615 of the Commission's Rules.)
 - (a) By licensees with the application for renewal of station license. Licensees with current unamended Ownership Reports on file at the Commission may so indicate on their renewal applications and be relieved of the obligation to file a new Ownership Report.
 - (b) By licensees or permittees within 30 Days after the consummation, pursuant to Commission consent, of a transfer of control, or an assignment of license or the grant of an original construction permit.
 - (c) By licensees or permittees within 30 days after changes in the information called for by this form.
 - (d) File one copy with the Federal Communications Commission, Washington, D.C. 20554. If information submitted is equally applicable to each station above listed, one report may be filed for all such stations; otherwise a separate report shall be filed for each station.
 - (e) This form is to be filled out completely when filed pursuant to (a) and (b) above. When filled out pursuant to (c), changes only need be noted.
2. Any contract or modification of contract relating to the ownership, control, or management of the licensee or permittee must be filed with the Commission, as required by Section 73.3613 of the Rules. Attention is directed to the fact that Section 73.3613 requires the filing of all contracts of the types specified and is not limited to executed contracts but includes options, pledges, and other executory agreements and contracts relating to ownership, control, or management.
3. This form should be used to report all types of transactions concerning agreements and voting control.
4. If the licensee or permittee is directly or indirectly controlled by another entity, a separate Form 323E should be submitted to report changes in the officers and directors of such entity.
5. This form is not to be used to report or request a transfer of control or assignment of license or construction permit (except to report a transfer of control or assignment of license made pursuant to prior Commission consent). The appropriate forms for use in connection with such transfers or assignments are FCC Forms 314, 315, and 316. It is the prime responsibility of the licensee or permittee to determine whether a given transaction constitutes a transfer of control or an assignment.
6. The official title of the respondent must be an officer of the licensee or permittee corporation or association, or in case of a governmental or public educational agency, a duly authorized administrative representative thereof.

FOR COMMISSION USE ONLY

File No.

Name of Applicant

DRY Prong Educational
Broadcasting Foundation, Inc.

Telephone No. (Include Area Code) 318-899-5837

1. All of the information furnished is reported as of

February 25, 1992

(date must comply with Section 73.3615(e) when box 1(a) below is checked)

This report is filed pursuant to instruction (Check One)

1(a) ☐ Renewal

(b) ☒ Transfer of Control,
Assignment of License, or
Construction Permit

(c) ☐ Change of prior report, for the following stations:

Call sign KVDP

Type of station Educational FM

Location Breezy Hill Road

City

Dry Prong

State

LA

2. List all contracts and other instruments set forth in Section 73.3613 of the Commission's Rules and Regulations

Description of contract or instrument

None

Name of person or organization with whom contract is made

Date of execution

Date of expiration

3. Is the governing board directly or indirectly under the control of another entity?

☐ Yes ☒ No

If "Yes", give name and nature of entity

4. Show the interests in any other broadcast station of the licensee or permittee, or any of its officers, members of the governing board, and holders of 1% or more ownership interest, if any.

5. Give the following information as to applicant's officers, members of governing board, and holders of 1% or more ownership interest, if any.

NAME AND RESIDENCE	OFFICE HELD	CITIZENSHIP	PRINCIPAL PROFESSION OR OCCUPATION	BY WHOM APPOINTED OR ELECTED
SEE ATTACHED LIST				

Section 310(d) of the Communications Act of 1934 requires that consent of the Commission must be obtained prior to the assignment or transfer of control of a station license or construction permit. This form may not be used to report or request an assignment of license or transfer of control (except to report an assignment of license or control made pursuant to prior Commission consent).

CERTIFICATION

(Date of certification must be within 30 days of date shown in Item 1 when box 1(a) is checked and in no event prior to Item 1 date.)

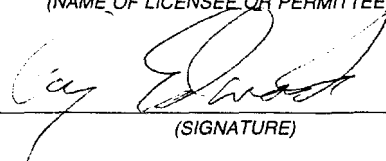
I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Signed and dated this 25th day of February, 1992.

Dry Prong Educational Broadcasting
Foundation, Inc.

(NAME OF LICENSEE OR PERMITEE)

By



(SIGNATURE)

Title President of the Board

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE
PUNISHABLE BY FINE AND IMPRISONMENT.
U.S. CODE, TITLE 18, SECTION 1001.

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended.

The principal purpose(s) for which the information will be used is to determine if the benefit requested is consistent with the public interest.

The staff, consisting variously of attorneys, accountants, engineers, and applications examiners, will use the information to determine whether the application should be granted, denied, dismissed, or designated for hearing.

If all the information requested is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information.

Accordingly, every effort should be made to provide all necessary information. Your response is required to retain this benefit.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, December 31, 1974, 5 U.S.C. 552a(e) (3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

Board of Directors
Dry Prong Educational
Broadcasting Foundation, Inc.

Name & Residence	Office Held	Citizenship	Principal Profession or Occupation	By Whom Appointed or Elected
Coy Edwards Box 214 Dry Prong, LA 71423	President	USA	Retired	Elect. by Board
Leta Edwards Box 214 Dry Prong, LA 71423	Director	USA	Broadcaster	Elected by Board
Max Iatham Box 1307 Buras, LA 70041	Director	USA	Minister	Founding Board Member
Gary Sapp 5409 Argonne Alexandria, LA 71303	Director	USA	Minister, Youth Director, LA Assemblies of God	Elect. by Board
Ed Pebbles 1406 Horseshoe Dr. Alexandria, LA 71301	Director	USA	Business Man	Elected by Board
Jonathan Forester 101 Medical Park Blvd. Pineville, LA 71360	Director	USA	Medical Doctor	Elec. by Board
Mrs. Bea Farmearl P. O. Box 79 Colfax, LA 71417	Director	USA	Minister	Elect. by Board
Dina Rankin 3011 Georges Lane Alexandria, LA 71301	Director	USA	Housewife	Elect. by Board
Elaine Ward 117 Lenora Pineville, LA 71360	Director	USA	Jeweler	Elect. by Board
Dale Smith P. O. Box 1782 Pollock, LA 71467	Director	USA	Attorney	Elect. by Board

Post Office Box 826
104 Morgan Street
Ball, Louisiana 71405
(318) 640-4900
FAX (318) 641-1313

A. DALE SMITH
AND ASSOCIATES
ATTORNEYS AT LAW

A. Dale Smith (A Law Corporation)
Todd L. Farrar
Ethel June Wells

March 27, 1992

Ms. Donna Searcy, Secretary
Federal Communications Commission
2025 M Street NW
Washington, DC 20554

Re: Ownership Report of Dry Prong Educational Broadcasting
Foundation

Dear Ms. Searcy:

Please find enclosed a copy of the Foundation's declaration of trust dated February 19, 1983, together with a completed 323-E form. The original license to broadcast was issued to the Foundation, which subsequently substituted trustees as correctly set forth in the 323-E form herein provided.

Through an oversight, an incorrect 323-E form was submitted to the FCC, which appeared to indicate that control of the license had been transferred to a corporate entity. The 323-E form enclosed should be substituted in place of the incorrect form dated February 25, 1992.

Although a corporate entity was formed to satisfy tax exempt status requirements of the IRS, that entity has no control over the license which was issued to the Foundation. The corporate entity simply receives donations from listeners and nothing more.

If you have any questions, please do not hesitate to call.

With kindest regards, I am

Very truly yours,

A. Dale Smith

ADS/fes

Ms. Donna Searcy
March 27, 1992
Page 2

cc: Sharon Bertelsen
Federal Communications Commission
2025 M Street NW, Room 322
Washington, DC 20554

Lee Audrey Alexander
Federal Communications Commission
2025 M Street NW, Room 234
Washington, DC 20554

F. Joseph Brinig, Esq. ✓
Brinig and Bernstein
1818 N Street NW, Suite 200
Washington, DC 20036

Approved by OMB
3060-0084
Expires 4/30/90

UNITED STATES OF AMERICA
FEDERAL COMMUNICATIONS COMMISSION

**Ownership Report
For Noncommercial Educational Broadcast
Station**

INSTRUCTIONS

1. This report is to be filed as follows by noncommercial educational TV, FM, or AM broadcast stations (See Section 73.3615 of the Commission's Rules.)
 - (a) By licensees with the application for renewal of station license. Licensees with current unamended Ownership Reports on file at the Commission may so indicate on their renewal applications and be relieved of the obligation to file a new Ownership Report.
 - (b) By licensees or permittees within 30 Days after the consummation, pursuant to Commission consent, of a transfer of control, or an assignment of license or the grant of an original construction permit.
 - (c) By licensees or permittees within 30 days after changes in the information called for by this form.
 - (d) File one copy with the Federal Communications Commission, Washington, D.C. 20554. If information submitted is equally applicable to each station above listed, one report may be filed for all such stations; otherwise a separate report shall be filed for each station.
 - (e) This form is to be filled out completely when filed pursuant to (a) and (b) above. When filled out pursuant to (c), changes only need be noted.
2. Any contract or modification of contract relating to the ownership, control, or management of the licensee or permittee must be filed with the Commission, as required by Section 73.3613 of the Rules. Attention is directed to the fact that Section 73.3613 requires the filing of all contracts of the types specified and is not limited to executed contracts but includes options, pledges, and other executory agreements and contracts relating to ownership, control, or management.
3. This form should be used to report all types of transactions concerning agreements and voting control.
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5. This form is not to be used to report or request a transfer of control or assignment of license or construction permit (except to report a transfer of control or assignment of license made pursuant to prior Commission consent). The appropriate forms for use in connection with such transfers or assignments are FCC Forms 314, 315, and 316. It is the prime responsibility of the licensee or permittee to determine whether a given transaction constitutes a transfer of control or an assignment.
6. The official title of the respondent must be an officer of the licensee or permittee corporation or association, or in case of a governmental or public educational agency, a duly authorized administrative representative thereof.

FOR COMMISSION USE ONLY

File No.

Name of Applicant **DRY PRONG EDUCATIONAL
BROADCASTING FOUNDATION**

Telephone No. (Include Area Code)

1. All of the information furnished is reported as of

April 14, 1989.

(date must comply with Section 73.3615(e) when box 1(a) below is checked)

This report is filed pursuant to instruction (Check One)

1(a) ☒ Renewal

(b) ☐ Transfer of Control,
Assignment of License, or
Construction Permit

(c) ☐ Change of prior report, for the following stations:

Call sign **KVDP - FM**

Type of station **Educational FM**

Location **Breezy Hill Rd.**

City

Dry Prong,

State

La.

2. List all contracts and other instruments set forth in Section 73.3613 of the Commission's Rules and Regulations

Description of contract or instrument

None

Name of person or organization with whom contract is made

Date of execution

Date of expiration

3. Is the governing board directly or indirectly under the control of another entity?
☐ Yes ☐ No

If "Yes", give name and nature of entity

4. Show the interests in any other broadcast station of the licensee or permittee, or any of its officers, members of the governing board, and holders of 1% or more ownership interest, if any.

5. Give the following information as to applicant's officers, members of governing board, and holders of 1% or more ownership interest, if any.

NAME AND RESIDENCE	OFFICE HELD	CITIZENSHIP	PRINCIPAL PROFESSION OR OCCUPATION	BY WHOM APPOINTED OR ELECTED
Coy Edwards Box 214 Dry Prong, La.	President	USA	Retired	Elected by Board
Leta Edwards Box 214 Dry Prong, La.	Director	USA	Broadcaster	Elected by Board
Max Latham Box 1307 Buras, La.	Director	USA	Minister	Founding Board Member
Gayle Tyler 1103 6th St. Colfax, La.	Director	USA	Minister	Founding Board Member

Section 310(d) of the Communications Act of 1934 requires that consent of the Commission must be obtained prior to the assignment or transfer of control of a station license or construction permit. This form may not be used to report or request an assignment of license or transfer of control (except to report an assignment of license or control made pursuant to prior Commission consent).

CERTIFICATION

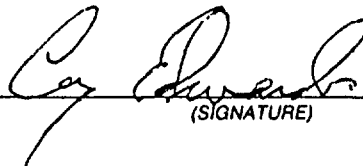
(Date of certification must be within 30 days of date shown in Item 1 when box 1(a) is checked and in no event prior to Item 1 date.)

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Signed and dated this 20th day of May, 1989

Dry Prong Educational
Broadcasting Foundation
(NAME OF LICENSEE OR PERMITTEE)

By


(SIGNATURE)

Title

President

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE
PUNISHABLE BY FINE AND IMPRISONMENT.
U.S. CODE, TITLE 18, SECTION 1001.

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

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The staff, consisting variously of attorneys, accountants, engineers, and applications examiners, will use the information to determine whether the application should be granted, denied, dismissed, or designated for hearing.

If all the information requested is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information.

Accordingly, every effort should be made to provide all necessary information. Your response is required to retain this benefit.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, December 31, 1974, 5 U.S.C. 552a(e) (3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

2-13-84
ORIGINAL

EXHIBIT C

RECEIVED

FEB 10 1984

STUART B. MITCHELL*
ANDREW C. BISULCA*†
L. WALTER SLAUGHTER*†

*VIRGINIA BAR
†DISTRICT OF COLUMBIA BAR

SPECIAL LITIGATION COUNSEL
WILLIAM E. FINDLER*†

INTERNATIONAL TAX COUNSEL
J. ROBERT GONZALES

STUART B. MITCHELL
AND ASSOCIATES
COUNSELLORS AT LAW
SUITE 240

803 WEST BROAD STREET
FALLS CHURCH, VIRGINIA 22046

703 241-3770
TELEX - 64813
ANSWER BACK UN2JC

FOU
Office of the Secretary
CH-8706 FELDMEILEN
ZÜRICH, SWITZERLAND

REC'D MASS MED BUR
FEB 13 1984
AUDIO SERVICES

February 10, 1984

Mr. William J. Tricarico
Secretary
Federal Communications Commission
Washington, D.C. 20554

RE: Application for Construction Permit - Non-Commercial
Educational FM Broadcast Station, Dry Prong, Louisi-
siana

Dear Mr. Tricarico:

Transmitted herewith, in triplicate, on behalf of Dry Prong
Educational Broadcasting Foundation, is an application for a
new non-commercial, educational FM station at Dry Prong,
Louisiana.

Should any additional information be required in connection
with this matter, please do not hesitate to contact this office.

Sincerely,

Andrew Bisulca
Andrew C. Bisulca

ACB:kr
Enclosure

Section I

Approved by OMB
3060-0034
Expires 9/30/85

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

APPLICATION FOR AUTHORITY TO CONSTRUCT OR MAKE
CHANGES IN A NONCOMMERCIAL EDUCATIONAL
BROADCAST STATION

INSTRUCTIONS

- A. This form is to be used only in applying for authority to construct a new noncommercial educational TV, FM, or AM broadcast station or to make changes in an existing station. This form consists of this part, Section I, and the following sections:

Section II. Legal Qualifications of Broadcast Applicant
Section III. Financial Qualification of Broadcast Applicant
Section IV. Statement of Program Service of Broadcast Applicant
Section V-A. AM Broadcast Engineering Data
Section V-B. FM Broadcast Engineering Data
Section V-C. TV Broadcast Engineering Data
Section V-G. Antenna and Site Information
Section VI. Equal Employment Opportunity Program

FEB 10 1984

- B. PREPARE THREE COPIES of this form and all exhibits. Sign one copy of Section I. Prepare one additional copy (a total of four) of Section V-G and associated exhibits. File all the above with the Federal Communications Commission, Washington, D.C. 20554. APPLICANTS FILING FOR FINANCIAL ASSISTANCE FROM NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION (NTIA) SHOULD SUBMIT THIS APPLICATION TO THE FCC AT LEAST 90 DAYS PRIOR TO FILING WITH NTIA. Applicants filing with the FCC after this time should not expect FCC approval in time to receive NTIA funding. Applicants should check with NTIA for proper NTIA filing dates. Applicants applying for funding from other government agencies should check with that agency and the FCC to determine filing deadlines for both that agency and the FCC.

- C. Number exhibits serially in the space provided in the body of the form and list each exhibit in the space provided on page 2 of this Section. Show date of preparation of each exhibit, antenna pattern, and map, and show date when each photograph was taken.

- D. The name of the applicant stated herein shall be the exact corporate name, if a corporation; if an unincorporated association, the exact name of the association; if a governmental or public educational agency, the exact name of such agency. The applicant must notify the Commission of any change of address.

- E. Information called for by this application which is already on file with the Commission (except that called for in Section III which is more than 90 days old and in Section V-G) need not be refilled in this application provided (1) the information is now on file in another application or FCC form filed by or on behalf of this applicant; (2) the information is identified FULLY by reference to the file number (if any), the FCC form number, and the filing date of the application or other form containing the information and the page or paragraph referred to, and (3) after making the reference, the applicant states: "No change since date of filing." Any such reference will be considered to incorporate into this application all information, confidential or otherwise, contained in the application or other form referred to. The incorporated application or other form will thereafter, in its entirety, be open to the public. (See Section 73.3526 of the Commission's Rules and Regulations, "Records to be maintained locally for public inspection by commercial applicants, permittees, and licensees.")

- F. This application shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer, if the applicant is a corporation; by a member who is an officer, if the applicant is an unincorporated association; by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction, if the applicant is an eligible government entity; or by the applicant's attorney in case of the applicant's physical disability or absence from the United States. The attorney shall, in the event she/he signs for the applicant, separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than knowledge), she/he shall separately set forth reasons for believing that such statements are true.

- G. Before filling out this application, the applicant should be familiar with the Communications Act of 1934, as amended, Parts 1, 2, 17, and 73 of the Commission's Rules and Regulations.

- H. BE SURE ALL NECESSARY INFORMATION IS FURNISHED AND ALL PARAGRAPHS ARE FULLY ANSWERED. IF ANY PORTIONS OF THE APPLICATION ARE NOT APPLICABLE, SPECIFICALLY SO STATE. DEFECTIVE OR INCOMPLETE APPLICATIONS MAY BE RETURNED WITHOUT CONSIDERATION.

THIS BLOCK FOR COMMISSION USE ONLY

File No.

1. NAME OF APPLICANT (See instruction D)

Dry Prong Educational Broadcasting
Foundation

STREET ADDRESS

P.O. Box 246

CITY

Dry Prong

STATE

ZIP CODE

LA 71423

TELEPHONE NO. (Include area code)

(318) 899-5837

2. NAME OF PERSON TO WHOM COMMUNICATIONS SHOULD BE SENT IF DIFFERENT FROM ITEM 1: Stuart Mitchell & Associates

STREET ADDRESS

803 West Broad Street, Suite 240

CITY

Falls Church

STATE

VA

ZIP CODE

22046

TELEPHONE NO. (Include area code)

(703) 241-3770

3. (a) PURPOSE OF APPLICATION (Put "X" in appropriate box)

Change in existing station facilities:

☒ New Station☐ Major☐ Minor

- (b) If this application is for a change in existing facilities, complete Section I plus any other Sections necessary to show all substantial changes in information previously filed with the Commission. (Indicate below the Sections completed and filed with this application.)

Section

☐ II☐ III☐ IV☐ V-A☐ V-B☐ V-C☐ V-G☐ VI

- (c) In the space below refer to information already on file with the Commission which, in accordance with Instruction E, may be incorporated in this application by proper reference.

File or Form No. and Date	Section No.	Paragraph No.

4. REQUESTED FACILITIES

TYPE OF STATION

☐ AM☒ FM☐ TELEVISION

FREQUENCY

89.1

CHANNEL NO.

206

CALL SIGN

New

HOURS OF OPERATIONS

24

POWER IN KILOWATTS

NIGHT

.383

DAY

.383

ANTENNA HEIGHT ABOVE AVERAGE TERRAIN IN FEET (FM and TV only)

158 ft.

STATION LOCATION

CITY

Dry Prong

STATE

LA

Is this application mutually exclusive with the renewal application of an existing station?

☐ YES

☒ NO

If yes, state call letters and station location of existing station.

The APPLICANT hereby waives any claim to the use of any particular frequency or of the ether as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934)

The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations, and that all the exhibits are a material part hereof and are incorporated herein as if set out in full in the application.

CERTIFICATION

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made to good faith.

Signed and dated this 20th day of January, 19 84.

(This Section should not be dated and signed until all Sections and Exhibits have been prepared and attached.)

Dry Prong Educational Broadcasting
Foundation

(Name of Applicant)

By

Maxwell E. Latham, Jr.

(Signature)

Title Trustee

WILLFUL FALSE STATEMENTS MADE ON THIS
FORM ARE PUNISHABLE BY FINE AND
IMPRISONMENT. U.S. CODE, TITLE 18,
SECTION 1001.

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The principal purpose for which the information will be used is to determine if the benefit requested is consistent with the public interest. The staff, consisting variously of attorneys, accountants, engineers, and application examiners, will use the information to determine whether the application should be granted, denied, dismissed, or designated for hearing. If all the information requested is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is required to obtain the requested Authority.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552(a)(3) AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

If applicant is represented by legal or engineering counsel, state name and post office address:

Legal: Stuart B. Mitchell and Associates
803 West Broad Street, Suite 240
Falls Church, Virginia 22046

James K. Krames
Eng: P.O. Box 863066
Plano, Texas 75086

EXHIBITS furnished as required by this form:

Exhibit No.	Section and Para. No. of Form	Name of officer or employee (1) by whom or (2) under whose direction exhibit was prepared (show which)	Official Title
		See Exhibit Index	

8. Is applicant directly or indirectly controlled by another legal entity?

☐ Yes ☒ No

If "Yes", state below the name of such other legal entity, and state how such control, if any, exists and the extent thereof.

9. Give the following information as to applicant's officers, members of governing board, and holders of 1% or more ownership interest (if any).

Name and Residence	Office Held	Citizenship	Principal Profession or Occupation	By whom appointed or elected
Maxwell E. Latham, Jr. P.O. Box 246 Dry Prong, LA 71423	Trustee	U.S.	Pastor	Board of Trustees
Glynn K. Maxwell P.O. Box 245 Dry Prong, LA 71423	Trustee	U.S.	Insurance Sales	Board of Trustees
Gayle Tyler 1019 8th Street Colfax, LA 71417	Trustee	U.S.	Restaurant Owner	Board of Trustees

10. Television applicants which are nonprofit organizations rather than governmental bodies or educational institutions attach as Exhibit No. N/A evidence that officers, directors, and members of the governing board are broadly representative of the educational, cultural, and civic groups in the community. This does not apply if applicant is applying for change in facilities.

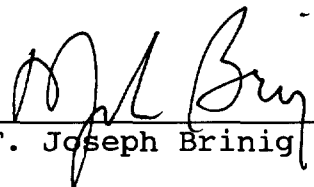
CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of April, 1992, I mailed the foregoing Motion to Enlarge Issues to the following by first class mail, postage prepaid:

Judge Edward J. Kuhlmann
Federal Communications Commission
2000 L Street, NW Room 220
Washington, D.C. 20554

Charles Dziedzic, Esq.
Federal Communications Commission
Hearing Branch, Mass Media Bureau
2025 M Street, NW Room 7212
Washington, D.C. 20036

Dry Prong Educational Broadcasting Foundation
P.O. Box 241
Dry Prong, Louisiana 74123


F. Joseph Brinig